

**Amendments to the Drawings:**

The attached replacement drawing sheet makes changes to Fig. 15 and replaces the original sheet with Fig. 15.

Attachment: Replacement Sheet

**REMARKS**

Claims 1, 5, 9-12, 16, 17 and 19-27 are pending in this application. Claims 16, 17 and 19 stand withdrawn. By this Amendment, claims 1, 5 and 9-12 are amended; claims 2-4, 6-8, and 13-15 are canceled; and claims 20-27 have been added. No new matter has been added.

The Office Action objects to the title of the instant application as being nondescriptive. Accordingly, Applicants have amended the title to "Magnetic Recording Medium."

The Office Action objects to Fig. 15 and helpfully suggests that it should be designated as prior art. Accordingly, Fig. 15 has been amended with the legend "Prior Art."

Claims 2, 6 and 13 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The Office Action asserts that the claim term "smaller" renders the claims indefinite. This rejection is respectfully traversed.

Claims 2, 6 and 13 have been canceled and incorporated into other claims (claims 1, 5 and 12). However, claims 1, 5 and 12 do not recite the claim term "smaller." Accordingly, withdrawal of this rejection is respectfully requested.

Claims 1, 4, 5, 7-12, 14 and 15 are rejected under 35 U.S.C. §102(e) over U.S. Patent Publication No. 2003/0072971 A1 to Fukutani et al. (hereafter "Fukutani"). Claim 3 is rejected under 35 U.S.C. §103(a) over Fukutani. These rejections are respectfully traversed.

Claim 1 now incorporates the subject matter of claim 3. Therefore, the §102(e) rejection of claim 1, and claims 5 and 9-12 depending therefrom, is no longer relevant. Thus, only the 35 U.S.C. §103(a) rejection will be addressed.

The Office Action acknowledges that Fukutani is silent regarding whether each of the servo areas has only a single, integral servo pattern peripheral part (as now recited by claim 1). The Office Action, however, asserts that it would have been obvious to one of ordinary

skill in the art to integrate the servo pattern peripheral parts of Fukutani. The Office Action asserts that the rationale for doing so would be that one of ordinary skill in the art would have been motivated to simplify production by eliminating a nonmagnetic layer formation step.

However, the recording medium of Fukutani does not provide several of the benefits provided by the medium recited in claim 1. Specifically, the servo pattern peripheral part is composed of a single magnetic element. Therefore, the boundary between the servo pattern unit parts and the servo pattern peripheral part is more definite than that of the medium taught in Fukutani. In Fukutani, both a servo pattern unit part and a servo pattern peripheral part are composed of a plurality of magnetic elements (see Fig. 3 and paragraphs [0123]-[0134]). Claim 1 now recites that the servo pattern peripheral part is composed of a single magnetic element. Thus, it reproduces signals more accurately than that of the medium disclosed in Fukutani.

Additionally, by using only a single magnetic element, the amplitude of the reproduced signal is larger than that of the medium disclosed in Fukutani. Thus, the device recited by claim 1 has several technological superiorities to the device disclosed by Fukutani.

Moreover, the method of manufacture of the device in Fukutani strongly suggests it would not possess many of the features recited in claim 1. Fukutani discloses that the magnetic substance cells 1031 and 1034 are formed by the following method (See paragraphs [0082]-[0105]). First, depressions are formed on a surface of aluminum layer by pressing a stamper onto the surface of the aluminum layer. Next, pores are formed by oxidizing the aluminum layer. These pores are relatively deep and large when formed at places where the depressions have been formed. Conversely, the pores are shallower and smaller where the depressions have not been formed. Additionally, pores are formed even at the places where the depressions have not been formed. Therefore, it is difficult to form only a single integral servo pattern peripheral part composed of a single magnetic element, as disclosed in claim 1.

As such, it was not within the level of one of ordinary skill in the art to form only a single integral servo pattern peripheral part composed of a single magnetic element in each of the servo areas.

For at least the above reasons, it would not have been predictable to one of ordinary skill in the art to modify Fukutani. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 20-27 are newly presented claims in this Amendment. Claim 20 is in condition for allowance because it also discloses features not present or obvious based on Fukutani. Specifically, claim 20 recites that the servo pattern unit components and the servo pattern peripheral part can be easily formed by etching a continuous magnetic layer to divide it into the two component parts. This method is easier than the one disclosed in Fukutani. Moreover, it is difficult to form pores having the same depth and different diameter using the method of Fukutani. Therefore, it is difficult to form magnetic substance cells having the same thickness and different diameter using the method disclosed in Fukutani.

Claim 21 is in condition for allowance for the reasons discussed above with regard to claim 1. Likewise, claims 22-27 are in condition for allowance because they depend from allowable claim 21.

For at least the above reasons, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:MKW/gml

Attachments:

Petition for Extension of Time  
Replacement Drawing Sheet

Date: October 9, 2007

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